



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on the Internal Market and Consumer Protection*

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**2014/0185(COD)**

3.03.2015

## **DRAFT OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA<sup>2</sup>) - Interoperability as a means for modernising the public sector (COM(2014)0367 – C8-0037/2014 – 2014/0185(COD))

Rapporteur (\*): Liisa Jaakonsaari

(\*): Associated committee – Rule 54 of the Rules of Procedure

PA\_Legam

## SHORT JUSTIFICATION

The aim of the Commission proposal is to establish a programme on interoperability solutions for European public administrations, businesses and citizens (ISA<sup>2</sup> programme). The Rapporteur welcomes the proposal and its aim, and thinks that the ISA<sup>2</sup> programme is needed to overcome electronic barriers between Member States.

### **1. Competences**

The competences within the Parliament concerning this file are divided between three committees, ITRE being in the lead and IMCO and LIBE being associated under Rule 54 of the Rules of Procedure. While LIBE has exclusive competence for all issues relating to data protection, the competences of ITRE and IMCO committees intertwined across the proposal and cannot clearly be divided. The Committees have thus agreed that each committee will focus as far as possible, on issues relating to its core competences.

The Rapporteur has therefore not touched upon issues relating to data protection, although she finds them to be of utmost importance, but left it to the discretion of the LIBE Committee. Instead, the Rapporteur has focused on the IMCO core competencies - the internal market and consumers.

### **2. Citizens and businesses**

The COM proposal claims the ISA<sup>2</sup> programme is to benefit public administrations, but also businesses and citizens. However, in the Rapporteurs' view the content of the proposal does not reflect this. Thus the Rapporteur has added some clarifications and precisions in order to better mirror the aim set out by the Commission:

- (1) a set of provisions which commit the COM to take into account the social aspects of interoperability, allowing everyone to take full advantage of the opportunities offered by new technologies;
- (2) a set of provisions which commit the COM to take into account the specific situation of micro, small and medium-sized enterprises and to facilitate solutions which meet SMEs needs;
- (3) a definition of "users": the COM proposal does not include a definition of "users" in Art. 2, though the term is used in several, sometimes differing contexts. The direct "users" addressed in the proposal are the European public administrations, while the indirect (end) users of ISA<sup>2</sup> are citizens and businesses. The term "user centricity" refers to the latter group. In the Rapporteurs' view the diverging use of terminology has caused some confusion and needed clarification.

### **3. Further issues**

In the Rapporteurs' view, there is lack of information concerning the benefits of and need to establish the ISA<sup>2</sup> programme. She has thus included in Art. 3 a provision obliging the COM to develop a communication strategy intended at information and awareness rising concerning ISA and its benefits.

The Rapporteur has further added to the general principles as set out in Art. 4, emphasizing the need to find future proof solution. She is also of the opinion that, if necessary, technical support should be provided to citizens and businesses when using interoperability solutions. Moreover, it should continue to be possible to use traditional means of accessing services, other than their online provision.

The Rapporteur welcomes the Commission proposal on monitoring the implementation of the ISA<sup>2</sup> programme, as well as the provisions concerning its' evaluation as set out in Art. 11. However, the Rapporteur thinks that the European Parliament as co-legislator should also be involved in the implementation and evaluations process.

## AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a decision

#### Recital 14

##### *Text proposed by the Commission*

(14) In the area of ICT standardisation, Regulation (EU) No 1025/2012 of the European Parliament and of the Council refers to interoperability as an essential outcome of standardisation.

##### *Amendment*

(14) In the area of ICT standardisation, Regulation (EU) No 1025/2012 of the European Parliament and of the Council refers to interoperability as an essential outcome of standardisation. ***When developing standards within the framework of the ISA<sup>2</sup> Programme, particular attention should be paid to the provisions relating to the involvement of social and societal stakeholders laid down in that Regulation.***

Or. en

### Amendment 2

#### Proposal for a decision

#### Recital 16 a (new)

*Text proposed by the Commission*

*Amendment*

***(16a) The policy areas referred to in recitals 4 to 16 show how important it is that policy relating to interoperability and its possible uses should be coordinated at Union level in the most effective and responsive manner possible.***

Or. en

### **Amendment 3**

#### **Proposal for a decision Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) For the purposes of this Decision, users of interoperability solutions should be understood to be the European public administrations at national, regional and local level. Citizens and businesses are end-users (indirect users) of interoperability solutions as a result of their use of electronic public services provided by public administrations. User-centricity refers to the end-users of interoperability solutions.***

Or. en

### **Amendment 4**

#### **Proposal for a decision Recital 23**

*Text proposed by the Commission*

*Amendment*

(23) Solutions established or operated under the present ISA<sup>2</sup> Programme should, as far as possible, form part of a consistent environment of services facilitating

(23) Solutions established or operated under the present ISA<sup>2</sup> Programme should, as far as possible, form part of a consistent environment of services facilitating

interaction between European public administrations, enterprises and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability.

interaction between European public administrations, enterprises and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability. ***Such solutions should provide clear added value in terms of the facilitation or enabling of cross-border or cross-sector interoperability.***

Or. en

## **Amendment 5**

### **Proposal for a decision Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) Those services should be inclusive and accessible. Inclusive solutions should allow everyone to take full advantage of the opportunities offered by new technologies to overcome social and economic disadvantages and exclusion. Accessible solutions should ensure that people with disabilities and the elderly can use public services with the same service levels as all other citizens. Inclusion and accessibility should be part of the whole development lifecycle of the European public service in terms of design, information content and delivery, according to e-accessibility specifications widely recognised at Union and international level.***

Or. en

## **Amendment 6**

### **Proposal for a decision Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29a) Interaction with the private sector as well as other entities and stakeholders has already demonstrated its efficiency and added value. Synergies with those stakeholders should be promoted to ensure that priority is given to available and market-supported solutions. In this context, the existing practice of holding conferences, workshops and other meetings should be continued, including with representatives of end-users, and the ongoing use of electronic platforms should be promoted, in order to maintain contact with stakeholders.***

Or. en

#### **Amendment 7**

##### **Proposal for a decision Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) The ISA<sup>2</sup> Programme should contribute to the implementation of any follow-on initiatives in the context of Europe 2020 and the DAE. In order to avoid any duplication of effort, it should take account of other Union programmes in the field of ICT solutions, services and infrastructures, in particular the CEF laid down in **Regulation 1316/2013/EU** and Horizon 2020 laid down in Regulation (EU) No 1291/2013.

(33) The ISA<sup>2</sup> Programme should contribute to the implementation of any follow-on initiatives in the context of Europe 2020 and the DAE. In order to avoid any duplication of effort, it should take account of other Union programmes in the field of ICT solutions, services and infrastructures, in particular the CEF laid down in **Regulation (EU) No 1316/2013** and Horizon 2020 laid down in Regulation (EU) No 1291/2013. ***The Commission should coordinate those actions when implementing the ISA<sup>2</sup> Programme, as well when planning future initiatives which would touch upon interoperability.***

Or. en

**Amendment 8**

**Proposal for a decision  
Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) When evaluating the ISA<sup>2</sup> Programme, the Commission should pay particular attention to whether the solutions created and implemented have a positive or negative impact on modernising the public sector and facilitating the needs of citizens and SMEs, for example by reducing administrative burdens and costs for citizens and SMEs, by creating employment opportunities and by enhancing the overall interconnection between public administration on the one hand and citizens and businesses, in particular SMEs, on the other.***

Or. en

**Amendment 9**

**Proposal for a decision  
Recital 33 b (new)**

*Text proposed by the Commission*

*Amendment*

***(33b) When procuring external services for the purposes of the ISA<sup>2</sup> Programme, the Commission should encourage tendering on the part of SMEs and, in particular, identify the most economically advantageous tender on the basis of criteria linked to the subject-matter of the contract, including social and environmental characteristics.***

Or. en



## Amendment 10

### Proposal for a decision Article 1 - paragraph 1

#### *Text proposed by the Commission*

1. This Decision establishes, for 2016-20, a programme on interoperability solutions for European public administrations, businesses and citizens (hereinafter referred to as *'the ISA<sup>2</sup> programme'*).

The ISA<sup>2</sup> *programme* shall facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, in order to enable the delivery of electronic public services supporting the implementation of Union policies and activities.

#### *Amendment*

1. This Decision establishes, for 2016-20, a programme on interoperability solutions for European public administrations, businesses and citizens (hereinafter referred to as *the 'ISA<sup>2</sup> Programme'*).

*1a.* The ISA<sup>2</sup> *Programme* shall facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, in order to enable the delivery of electronic public services supporting the implementation of Union policies and activities.

*The ISA<sup>2</sup> Programme shall take into account social aspects of interoperability, allowing everyone to take full advantage of the opportunities offered by new technologies to overcome social and economic disadvantages and exclusion, as well as the specific situation of micro, small and medium-sized enterprises, in order to improve interaction between European public administrations on the one hand, and businesses and citizens on the other. The ISA<sup>2</sup> Programme shall respect the right of citizens and businesses to use solutions other than online solutions.*

Or. en

## Amendment 11

### Proposal for a decision Article 1 - paragraph 4

*Text proposed by the Commission*

4. The ISA<sup>2</sup> **programme** succeeds the Union programme on interoperability solutions for public administrations established by Decision No 922/2009/EC (hereinafter referred to as ‘the ISA programme’) and shall consolidate, promote and expand its activities.

*Amendment*

4. The ISA<sup>2</sup> **Programme** succeeds the Union programme on interoperability solutions for public administrations established by Decision No 922/2009/EC (hereinafter referred to as ‘the ISA programme’) and shall consolidate, promote and expand its activities.

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. en

**Amendment 12**

**Proposal for a decision**  
**Article 2 - point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) 'user' means European public administrations at national, regional or local level.**

Or. en

**Amendment 13**

**Proposal for a decision**  
**Article 2 - point 10 - indent 1**

*Text proposed by the Commission*

*Amendment*

- strategic **and awareness-raising** measures;

- strategic measures;

Or. en

## Amendment 14

### Proposal for a decision Article 2 - point 10 - indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

**– information and awareness-raising measures, aimed in particular at citizens and SMEs;**

Or. en

## Amendment 15

### Proposal for a decision Article 3 - point c

*Text proposed by the Commission*

*Amendment*

(c) the assessment of the ICT implications of proposed or adopted Union legislation;

(c) the assessment of the ICT implications of **planned**, proposed or adopted Union legislation;

Or. en

## Amendment 16

### Proposal for a decision Article 3 - point d

*Text proposed by the Commission*

*Amendment*

(d) the identification of legislation gaps that hamper interoperability between European public administrations;

(d) the identification of legislation gaps that hamper **cross-border** interoperability between European public administrations;

Or. en

## Amendment 17

### Proposal for a decision Article 3 - point h

*Text proposed by the Commission*

(h) the development of mechanisms that will measure and quantify the benefits of interoperability solutions.

*Amendment*

(h) the development of mechanisms that will measure and, **where applicable**, quantify the benefits of interoperability solutions.

Or. en

## Amendment 18

### Proposal for a decision Article 3 - paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In assessing which of the measures referred to in paragraph 1 are to be taken, the ISA<sup>2</sup> Programme shall take into account, in particular, the principles set out in Article 4(1)(b).***

Or. en

## Amendment 19

### Proposal for a decision Article 3 - paragraph 2

*Text proposed by the Commission*

***In addition***, the ISA<sup>2</sup> Programme may act as a ‘solution incubator’, piloting new interoperability solutions, and as a ‘solution bridge’, operating existing interoperability solutions.

*Amendment*

**2.** The ISA<sup>2</sup> Programme may act as a ‘solution incubator’, piloting new interoperability solutions, and as a ‘solution bridge’, operating existing interoperability solutions.

Or. en

## Amendment 20

### Proposal for a decision

#### Article 3 - paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. By ...\* [OJ please insert date: 6 months after the date of entry into force of this Decision], the Commission shall develop a communication strategy, which is aimed at information and awareness raising concerning the ISA<sup>2</sup> Programme and its benefits, and which is targeted, in particular, at citizens and SMEs.**

Or. en

## Amendment 21

### Proposal for a decision

#### Article 4 - paragraph 1 - point a

*Text proposed by the Commission*

*Amendment*

(a) be based on utility and driven by identified needs;

(a) be based on utility and driven by identified needs **and their added value for European public administrations, businesses and citizens;**

Or. en

## Amendment 22

### Proposal for a decision

#### Article 4 - paragraph 1 - point b - indent 2

*Text proposed by the Commission*

*Amendment*

- user-centricity;

- user-centricity, **with a particular focus on the needs of citizens and SMEs;**

Or. en

## Amendment 23

### Proposal for a decision

#### Article 4 - paragraph 1 - point b - indent 3

*Text proposed by the Commission*

- ***inclusion*** and accessibility;

*Amendment*

- ***inclusiveness*** and accessibility;

Or. en

## Amendment 24

### Proposal for a decision

#### Article 4 - paragraph 1 - point b - indent 3 a (new)

*Text proposed by the Commission*

- ***design-for-all***;

*Amendment*

Or. en

## Amendment 25

### Proposal for a decision

#### Article 4 - paragraph 1 - point b - indent 6

*Text proposed by the Commission*

- administrative simplification;

*Amendment*

- administrative simplification ***and modernisation***;

Or. en

## Amendment 26

### Proposal for a decision

#### Article 4 - paragraph 1 - point b - indent 11

*Text proposed by the Commission*

- technological neutrality and adaptability;  
***and***

*Amendment*

- technological neutrality, ***future-proof solutions***, and adaptability, ***as well as net neutrality***;

**Amendment 27**

**Proposal for a decision**

**Article 4 - paragraph 1 - point b - indent 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***- the right of citizens to user-friendly services, including, where possible, the availability of technical support; and***

Or. en

**Amendment 28**

**Proposal for a decision**

**Article 4 - paragraph 1 - point b - indent 12 b (new)**

*Text proposed by the Commission*

*Amendment*

***- the right of citizens to access services by way of traditional means in addition to the internet.***

Or. en

**Amendment 29**

**Proposal for a decision**

**Article 4 - paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Actions launched or continued under the ISA<sup>2</sup> Programme shall comply with the underlying principles of European public services as set out in the EIF, in particular principles 2 (user-centricity) and 3 (inclusion and accessibility).***

Or. en

## Amendment 30

### Proposal for a decision Article 6 - paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In the implementation of the ISA<sup>2</sup> Programme, the Commission shall consult and create synergies with stakeholders, especially citizens and SMEs as far as they are concerned, to the greatest extent possible.***

***It shall also seek, as far as possible, to involve SMEs in the greatest number of projects possible.***

Or. en

## Amendment 31

### Proposal for a decision Article 6 - paragraph 8

*Text proposed by the Commission*

*Amendment*

***8. The Commission shall monitor periodically the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7.***

***deleted***

Or. en

## Amendment 32

### Proposal for a decision Article 6 - paragraph 9

*Text proposed by the Commission*

*Amendment*

**9. In order to maximise synergies *and* ensure complementary and combined efforts, actions shall, where appropriate, be**

**9. In order to maximise synergies, ensure complementary and combined efforts *and avoid duplication*, actions shall, where**



coordinated with other relevant Union initiatives.

appropriate, be coordinated with other relevant Union initiatives.

Or. en

### Amendment 33

#### Proposal for a decision Article 7 - paragraph 1 - subparagraph 2

##### *Text proposed by the Commission*

The rolling work programme shall identify, prioritise, document, select, design, implement and evaluate the actions referred to in Article 5, as well as promote their results.

##### *Amendment*

The rolling work programme shall identify, prioritise, document, select, design, implement and evaluate the actions referred to in Article 5, ***including the accompanying measures referred to in Article 5(3), in accordance with the principles set out in Article 4(1)(b)***, as well as promote their results.

Or. en

### Amendment 34

#### Proposal for a decision Article 7 - paragraph 2

##### *Text proposed by the Commission*

2. The inclusion of actions in the rolling work programme shall be subject to compliance with ***a set of rules and admission criteria*** before being included in the rolling work programme. Those ***rules and criteria*** and any amendments ***thereof*** shall be an integral part of the rolling work programme.

##### *Amendment*

2. The inclusion of actions in the rolling work programme shall be subject to compliance with a set of ***administrative procedures*** before being included in the rolling work programme. Those ***procedures*** and any amendments ***thereto*** shall be an integral part of the rolling work programme.

Or. en

### Amendment 35

#### Proposal for a decision Article 11 - paragraph 2

*Text proposed by the Commission*

2. The Commission shall report annually to the ISA<sup>2</sup> Committee on the implementation of the Programme.

*Amendment*

2. The Commission shall report annually to the ISA<sup>2</sup> Committee **and the competent committee or committees of the European Parliament** on the implementation of the ISA<sup>2</sup> Programme.

***The competent committee or committees of the European Parliament may invite the Commission to report on the implementation of the ISA<sup>2</sup> Programme and answer questions raised by their members.***

Or. en

**Amendment 36**

**Proposal for a decision  
Article 11 - paragraph 3**

*Text proposed by the Commission*

3. The Programme shall be subject to an interim evaluation and a final evaluation, the results of which shall be communicated to the European Parliament and the Council by 31 December 2018 and 31 December 2021 respectively. In this context, the **responsible** committee of the Parliament may invite the Commission to present the evaluation results and answer questions raised by **its** members.

*Amendment*

3. The **ISA<sup>2</sup>** Programme shall be subject to an interim evaluation and a final evaluation, the results of which shall be communicated to the European Parliament and the Council by 31 December 2018 and 31 December 2021 respectively. In this context, the **competent committee or committees** of the **European** Parliament may invite the Commission to present the evaluation results and answer questions raised by **their** members.

Or. en

**Amendment 37**

**Proposal for a decision  
Article 11 - paragraph 4**

*Text proposed by the Commission*

4. The evaluations shall examine issues

*Amendment*

4. The evaluations shall examine issues

such as the relevance, effectiveness, efficiency, utility, sustainability and coherence of Programme actions. The final evaluation shall, in addition, examine the extent to which the Programme has achieved its objective.

such as the relevance, **added value**, effectiveness, efficiency, utility, **the satisfaction of citizens and businesses**, sustainability and coherence of **ISA<sup>2</sup>** Programme actions, **as well as their coordination with other relevant Union initiatives**. The final evaluation shall, in addition, examine the extent to which the **ISA<sup>2</sup>** Programme has achieved its objective.

Or. en

### Amendment 38

#### Proposal for a decision Article 11 - paragraph 5

*Text proposed by the Commission*

5. The performance of the Programme shall be assessed against the objective laid out in **Article 1 and the actions of the rolling work programme**. The objective shall be measured in particular **through** the number of key interoperability enablers and **through the number of** supporting instruments for public administrations delivered to and used by European public administrations. **Indicators for measuring the result and impact of the Programme shall be defined in the rolling work programme.**

*Amendment*

5. The performance of the **ISA<sup>2</sup>** Programme shall be assessed against the objective laid out in **Article 1(2) and the principles set out in Article 4(1)(b)**. The **achievement of the** objective shall be measured in particular **in terms of** the number of key interoperability enablers and supporting instruments for public administrations delivered to and used by European public administrations.

Or. en

### Amendment 39

#### Proposal for a decision Article 11 - paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall establish indicators for measuring the result and impact of the ISA<sup>2</sup> Programme.**

*Such indicators shall take into account the principles set out in Article 4(1)(b).*

Or. en

#### **Amendment 40**

##### **Proposal for a decision Article 11 - paragraph 6**

*Text proposed by the Commission*

6. The evaluations shall ***also*** examine the benefits of the actions to the Union for the advancement of common policies, identify areas for potential improvement and verify synergies with other Union initiatives in the area of cross-border or cross-sector interoperability ***and the modernisation of European public administrations.***

*Amendment*

6. The evaluations shall examine the benefits of the actions to the Union for the advancement of common policies, identify areas for potential improvement and verify synergies with other Union initiatives in the area of cross-border or cross-sector interoperability.

Or. en

#### **Amendment 41**

##### **Proposal for a decision Article 11 - paragraph 8 - point a**

*Text proposed by the Commission*

(a) quantifiable benefits that the interoperability solutions deliver by linking ICT with ***users'*** needs;

*Amendment*

(a) quantifiable ***and qualifiable*** benefits that the interoperability solutions deliver by linking ICT with ***the needs of users and end-users, in particular citizens and SMEs;***

Or. en

#### **Amendment 42**

##### **Proposal for a decision Article 11 - paragraph 8 - point b**

*Text proposed by the Commission*

(b) the quantifiable **positive** impact of *the* interoperable ICT-based solutions.

*Amendment*

(b) the quantifiable **and qualifiable** impact of interoperable ICT-based solutions, **in particular on public administrations, citizens and SMEs.**

Or. en

### **Amendment 43**

#### **Proposal for a decision**

#### **Article 13**

*Text proposed by the Commission*

Without prejudice to other Union policies, interoperability solutions established or operated by the ISA<sup>2</sup> Programme may be used by non-Union initiatives, for non-commercial purposes, provided that no extra costs are incurred for the general budget of the Union and the main Union objective of the interoperable solution is not compromised.

*Amendment*

Without prejudice to other Union policies, **and in accordance with the principles set out in Article 4(1)(b)**, interoperability solutions established or operated by the ISA<sup>2</sup> Programme may be used by non-Union initiatives, for non-commercial purposes, provided that no extra costs are incurred for the general budget of the Union and the main Union objective of the interoperable solution is not compromised.

Or. en